

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT,

OAH CASE NO. 2013051152

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013040629

ORDER FOLLOWING STATUS
CONFERENCE EXTENDING TIME FOR
ISSUANCE OF DECISION

On November 20, 2013, the Office of Administrative Hearings (OAH) conducted a status conference. Both parties participated.

The parties were informed that as a result of a serious family emergency, Administrative Law Judge (ALJ) Eileen Cohn is unable to complete the decision by the deadline of December 9, 2013. As a result, OAH could reassign the matter to another ALJ to read the transcript, evaluate the evidence, and issue a decision, or extend the timeline for the decision to December 23, 2013. Both parties agreed to extend the decision timeline.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a

party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Weighing all of the relevant facts and circumstances, and upon agreement of the parties, good cause is found to extend the timeline for the decision in this matter. The decision shall be issued no later than December 23, 2013.

It is so ordered.

Dated: November 20, 2013

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings